

JASON M. FRIERSON
United States Attorney
Nevada Bar Number 7709
RICHARD ANTHONY LOPEZ
Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
Tel: 702.388.6551 / Fax: 702.388.6418
tony.lopez@usdoj.gov
Attorneys for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILLIP D. HURBACE et al.,

Defendants.

Case No. 2:17-cr-110-APG-DJA

**Stipulation and Proposed Order to
Continue Sentencing (Fourth Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, and Richard Anthony Lopez, Assistant United States Attorney, counsel for the United States of America, and Osvaldo E. Fumo, Esq., counsel for Defendant Phillip D. Hurbace, Daniel Hill, Esq., counsel for defendant Larry Anthony McDaniel, and Lisa A. Rasmussen, Esq., counsel for defendant Sylviane Della Whitmore, that the sentencing hearings scheduled for January 19, 2023, be vacated and set to a date and time convenient to this Court, but no sooner than April 17, 2023.

This stipulation is entered into for the following reasons:

1. All three defendants in this case are currently scheduled to be sentenced on January 19, 2023, at 9:00 a.m. (Hurbace); 1:30 p.m. (McDaniel); and 2:30 p.m. (Whitmore).

2. Defendant Hurbace resides in Northern Nevada where inclement weather may prevent him from traveling to Las Vegas for the currently scheduled sentencing date.

3. Defendants McDaniel and Whitmore take the position that their sentencings should not occur until after the resolution of the government's appeal of the Court's order granting a new trial on certain counts (*see* ECF 248 (notice of appeal of order at ECF 246).) The government disagrees with that position.

4. Rescheduling the sentencings of Defendants McDaniel and Whitmore for a date no earlier than April 17, 2023, will allow them time to file a motion seeking a stay of their sentencings pending the government's appeal and for the Court to decide that issue.

5. Even if their sentencings are not stayed pending the government's appeal, counsel for Defendants McDaniel and Whitmore require additional time to prepare mitigating information for their sentencings.

6. Defendants are not in custody and do not object.

7. This is the fourth request for a continuance of the sentencing date.

DATED this 13th day of January, 2023.

Respectfully submitted,

JASON M. FRIERSON
United States Attorney

/s/ Osvaldo E. Fumo
OSVALDO E. FUMO, ESQ.
Counsel for Defendant HURBACE

/s/ Richard Anthony Lopez
RICHARD ANTHONY LOPEZ
Assistant United States Attorney

/s/ Daniel Hill
DANIEL HILL, ESQ.
Counsel for Defendant MCDANIEL

/s/ Lisa A. Rasmussen
LISA A. RASMUSSEN, ESQ.
Counsel for Defendant WHITMORE

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILLIP D. HURBACE et al.,

Defendants.

Case No. 2:17-cr-110-APG-DJA

**Order on Stipulation to Continue
Sentencing (Fourth Request)**

Based on the parties' stipulation to continue the trial date, and good cause appearing
therefore:

IT IS HEREBY ORDERED that the sentencing hearings currently scheduled for
January 19, 2023, at 9:00 a.m., 1:30 p.m., and 2:30 p.m. are hereby reset to:

9:00 a.m. on April 20, 2023, for Philip D. Hurbace;

1:30 p.m. on April 20, 2023, for Larry Anthony McDaniel;

2:30 p.m. on April 20, 2023, for Sylviane Della Whitmore.

Courtroom 6C.

DATED: January 17, 2023


HONORABLE ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE